



State of Utah

Department of  
Environmental Quality

Richard W. Sprott  
*Executive Director*

DIVISION OF DRINKING WATER  
Kenneth H. Bousfield, P.E.  
*Director*

**Drinking Water Board**

Anne Erickson, Ed.D., *Chair*  
Myron Bateman, *Vice-Chair*  
Ken Bassett  
Daniel Fleming  
Jay Franson, P.E.  
Helen Graber, Ph.D.  
Paul Hansen, P.E.  
Petra Rust  
Richard W. Sprott  
David K. Stevens, Ph.D.  
Ron Thompson  
Kenneth H. Bousfield, P.E.  
*Executive Secretary*

JON M. HUNTSMAN, JR.  
*Governor*

GARY HERBERT  
*Lieutenant Governor*

MINUTES OF THE DRINKING WATER BOARD MEETING HELD ON  
OCTOBER 12, 2007 IN SALT LAKE CITY, UTAH

Board Members Present

Anne Erickson, Chair  
Myron Bateman, Vice Chair  
Daniel Fleming  
Jay Franson, P.E.  
Paul Hansen, P.E.  
Petra Rust  
Richard Sprott  
Ron Thompson

Board Members Excused

Helen Graber, Ph.D.  
David Stevens, Ph.D.  
Ron Thompson

Guests

Paul Fulgham, Rural Water Association  
Dale Pierson, Rural Water Association  
Laura Lockhart, Attorney Generals Office  
Scott Anderson, Woods Cross City  
Bill Allen, Pinon Forest SSD  
Kathy Allen, Pinon Forest SSD  
Barbara Quintana, Pinon Forest SSD  
Fred Mauerman, Pinon Forest SSD  
Doug Nielsen, Sunrise Engineering  
Claudia Wheeler, Metropolitan Water  
District of Salt Lake & Sandy

Staff

Ken Bousfield  
Ken Wilde  
Kate Johnson  
Rich Peterson  
Karin Tatum  
Pete Keers  
Linda Matulich

ITEM 1 – CALL TO ORDER

The Drinking Water Board convened in Salt Lake City, Utah with Chairman Erickson presiding. The meeting was called to order at 1:00 p.m.

ITEM 2 – ROLL CALL

Chairman Erickson asked Ken Bousfield to call roll of the Board members. The roll call showed there were 8 members present.

### ITEM 3 – INTRODUCTIONS

Chairman Erickson welcomed everyone and asked the guests to introduce themselves.

### ITEM 4 – APPROVAL OF MINUTES

Chairman Erickson stated a motion was in order to approve the minutes of the October 12, 2007 minutes.

Chairman Erickson asked to have Dianne Nielson's last name corrected in the October 12, 2007 minutes.

Petra Rust asked to have her name added to the minutes as being present at the last Board meeting.

**Paul Hansen moved to approve the September 14, 2007 minutes with two minor changes: Correct the spelling of Dianne Nielson's last name, and add Petra Rust's name to the list as being present at the last Board meeting.**

**Jay Franson seconded.**

**CARRIED  
(Unanimous)**

### ITEM 5 – SRF/CONSERVATION COMMITTEE REPORT

#### 1) Status Report - Ken Wilde

Ken Wilde reported the Board has over \$1,000,000, shown in brackets, gives a negative balance on committed funds versus what is in the State Loan Fund. There is almost \$19,000 in the Hardship Grant Fund; there is \$2.6 million in the Federal Loan Fund. We will be receiving a little over \$300,000 a month from tax revenue. We will get the bulk of the loan payments in January.

Ken Wilde reported we have \$195,000 obligated from the Federal Loan program in the first round of funds. There is a minus \$500,000 in repayments from the second round of funds. We have almost \$1.9 million in the Hardship Grant Funds. We have spent most of the \$2.6 million from collections we received that we had made in the Hardship Fund. There is \$1.9 million available in the Grant funds to use. We expect to collect another \$11 million over the next 12 months.

We helped Bear River, last month, with a state loan on their project.

We have been talking with St. George on their project again. We will finalize their project request over the next 3 or 4 months.

Some of the other projects will close soon.

2) Project Priority List – Karin Tatum

Karin Tatum reported 3 projects are being added to the Project Priority List; Erda Acres Water Company, Whispering Pines and Woods Cross.

Staff plans on presenting Woods Cross and Erda Acres projects to the Board at the November Board meeting. Whispering Pines project was presented at the last Board meeting.

**Petra Rust moved the Board approve the updated Project Priority List.**

**Ken Bassett seconded.**

**CARRIED  
(Unanimous)**

3) SRF Applications

a) Pinon Forest Special Service District – Planning – Karin Tatum

Karin Tatum reported that the Pinon Forest Special Service District (SSD) received a \$14,000 grant from the CIB Board last week. Pinon Forest SSD is requesting a \$15,000 planning loan from the Drinking Water Board at 0% for 5 years to complete their study.

Fred Mauerman and Kathy Allen, representing Pinon Forest Special Service District, addressed the Board.

Discussion followed.

**Jay Franson moved the Board authorize a \$15,000 planning loan at 0% for 5 years to Pinon Forest Special Service District.**

**Danny Fleming seconded.**

**CARRIED  
(Unanimous)**

4) Proposed Agreement between the Drinking Water Board and  
The Rural Water Association of Utah – Ken Wilde

Ken Wilde mentioned the Division and Board have been discussing eliminating systems that can't comply with our rules or have the will to comply with our rules, and eliminate the creation of such systems for a number of years now. The Rural Water Association of Utah (RWAU) made an application with the Drinking Water Board to help fund an employee to spearhead this project. Information is in the packet. There was a lengthy discussion at the Board work meeting this morning.

Ken mentioned last winter the Legislature approved planning and education for other types of projects. The other projects will be handled the same way construction projects are done. The project between the RWAU and the Board will be handled the same way. The SRF/Conservation Committee is proposing on completing a contract between the Drinking Water Board and the RWAU. The Division of Drinking Water and Drinking Water Board will provide input on the contract. Ken reviewed the process on how the agreement will work.

Dale Pierson, representing the RWAU, addressed the Board. Dale highlighted what the RWAU will be working on with the Division of Drinking Water.

Paul Fulgham addressed the Board.

Discussion followed.

**Danny Fleming mentioned he is on the Rural Water Association's Board and declared a Conflict of Interest. He may abstain from voting.**

**Richard Sprott moved the Board approve the RWAU's proposal and direct Division staff to proceed with the preparation of a contract with RWAU. Initially, the cost of this contract will be paid from the Hardship Grant Funds. The contract will run for one year and be renewable, if mutually acceptable. Give the Executive Secretary the authority to pay for all or part of the cost of the contract with another source of funding, if the Executive Secretary is able to find another source of funding.**

**Paul Hansen seconded.**

**CARRIED**

**Seven voted yes. Danny Fleming abstained.**

Discussion on motion.

#### ITEM 6 – OPERATOR CERTIFICATION COMMISSION RENEWALS

Ken Bousfield mentioned Mark Clark and Craig Fahrni's terms would expire at the end of 2007. Staff is recommending their terms to be extended for another term of 3 years.

**Paul Hansen moved the Board authorize the reappointment of Mark Clark and Craig Fahrni to another term of office on the Operator Certification Commission.**

**Petra Rust seconded.**

**CARRIED  
(Unanimous)**

#### ITEM 7 – CROSS CONNECTION COMMISSION RENEWALS

Ken Bousfield mentioned Tim Collings, Jeff Tingey, Jay Franson, and Frank Mills' terms will expire at the end of 2007. Staff is recommending their terms be extended for another term of 2 years.

**Petra Rust moved the Board authorize the reappointment of Tim Collings, Jeff Tingey, Jay Franson, and Frank Mills to another term of office on the Cross Connection Control Commission.**

**Danny Fleming seconded.**

**CARRIED  
(Unanimous)**

The Board asked staff to talk to the members of both Commissions on recruiting new people to fill terms of the existing Commission members starting with the next renewal period.

Discussion followed.

#### **ITEM 8 – 2008 BOARD MEETING SCHEDULE DISCUSSION**

Chairman Erickson mentioned a Proposed List of the 2008 Board Meeting Schedule is in the packet for review.

Chairman Erickson asked for any comments from the Board. No comments were presented.

Chairman Erickson stated a motion would be in order to approve the Proposed 2008 Drinking Water Board Meeting Schedule.

**Jay Franson moved the Board approve the 2008 Drinking Water Board Meeting Schedule.**

**Paul Hansen seconded.**

**CARRIED  
(Unanimous)**

Rick Sprott left the Board meeting.

#### **ITEM 9 – DEQ FEE DOCUMENT HEARING**

Ken Bousfield reported the Department of Environmental Quality submits a fee schedule every year and is approved by the Legislature. The Division of Drinking Water collects fees from the Operator Certification Program, the Cross Connection Control Program, Well Grout Witness Fees, and miscellaneous fees for: copies of files, phone calls, copies of rules, etc. The Division is not proposing any fee changes this year. The Division needs to notify the Board each year on the new Fee Schedule for the coming year.

Discussion followed.

**Daniel Fleming moved the Board approve the Public Notice Fee Schedule as it has been in the past.**

**Petra Rust seconded.**

**CARRIED**  
**(Unanimous)**

ITEM 10 – OPEN AND PUBLIC MEETING ACT

Laura Lockhart reviewed the changes in the Open and Public Meetings Act with Statewide Impact for the 2007 General Session. The information is in the packet, and is informational only.

Rick Sprott rejoined the Board meeting.

Discussion followed.

ITEM 11 – FIVE YEAR RENEWAL ADOPTION FOR: RULE R305-2 – ELECTRONIC MEETING RULE AND RULE R305-3 – EMERGENCY MEETING RULE

Laura Lockhart reviewed the Electronic Meeting Rule and the Emergency Meeting Rule. The Electronic Meeting and Emergency Meeting Rules are both up for a 5-year renewal this year.

Electronic meetings are conducted by telephone. An Electronic Meetings Rule has to be in place to hold an electronic meeting.

Laura Lockhart reviewed the changes being made to the Rule. Laura Lockhart recommended the Board approve reauthorization of the Electronic Meeting Rule.

Discussion followed.

**Myron Bateman moved the Board approve the 5-year renewal adoption of the R305-2 Electronic Meetings Rule.**

**Ken Bassett seconded.**

**CARRIED**  
**(Unanimous)**

Laura Lockhart reviewed the Emergency Meeting Rule. Laura Lockhart mentioned there weren't any changes in the Emergency Meeting Rule. The Emergency Meeting Rule did raise some concerns. Laura Lockhart recommended the Board let the Emergency Meeting rule sunset, which will happen on November 8, 2007.

Discussion followed.

**Jay Franson moved the Board let the Rule R305-3 Emergency Meeting Rule sunset.**

**Petra Rust seconded.**

**CARRIED**  
**(Unanimous)**

## ITEM 12 – CHAIRMANS REPORT

Chairman Erickson mentioned the SRF Conservation Committee has a vacancy. Petra Rust volunteered to be on the SRF/Conservation Committee. Petra will be available for the next Committee meeting.

Chairman Erickson mentioned Ken Bousfield wrote an excellent article for the OpenLine that was just published. The article outlines the Goals Ken has set for the Division for the coming year.

## ITEM 13 – DIRECTORS REPORT

Ken Bousfield introduced Pete Keers. Pete is a new employee in the Division's Field Services Section.

Pete Keers gave some background on his work experience. Pete mentioned what his job duties will be for the Division of Drinking Water.

### a) MOU with the Division of Public Utilities

Ken Bousfield reported that the Division of Drinking Water is working with the Division of Public Utilities on a "Memorandum of Understanding". Ken passed out a draft copy of the "Memorandum of Understanding" and reviewed it with the Board.

### b) Meeting with AGIC

Ken Bousfield reported that Kate Johnson and Mark Jensen attended a meeting with the Automated Geographic Reference Center (AGRC) last week. The AGRC keeps track of the maps for State Government. The Division of Drinking Water does not have any drinking water sources as a part of this coverage, but there is an electronic copy. The delineation of the source protection zones exists electronically. The meeting was to see if the Division of Drinking Water could get a secure website for planners.

Kate Johnson updated the Board on what was discussed at the meeting with AGRC.

Discussion followed.

### c) Recent Annual Meetings and Conferences

Ken Bousfield reported the Association of State Drinking Water Administrators (ASDWA) held their annual meeting last week. Ken gave an update on the meetings and discussions at the meetings.

Ken mentioned EPA is talking about redoing its definition for significant non-compliers. EPA will hold a webcast for states during November. There will be a comment period held sometime after the webcast.

Ken reviewed Utah's 25 worst drinking water systems that are on the list.

Discussion followed.

Ken mentioned that EPA is proposing revising the Total Coliform Rule. Eva Nieminski and Patti Fauver the Division and the State of Utah on the Total Coliform Rule.

Ken mentioned the Western Governors Association just sponsored a Water Policy and Planning in the West” conference. Ken updated the Board on what was discussed at the conference.

#### ITEM 14 – LETTERS

The letters are in the packet.

#### ITEM 15 – NEWS ARTICLES

The news articles are in the packet.

#### ITEM 16 – NEXT BOARD MEETING

The next Board meeting will be on November 16, 2007 at 168 North 1950 West, Room 201, Salt Lake City, Utah. There will be a joint work meeting in the morning and a catered lunch with the Water Quality Board in room 101. The Drinking Water Board will then convene in room 201 at 1:00 p.m. for their Board meeting.

#### ITEM 17 – OTHER

Chairman Erickson commended Ken for the work on the “Memorandum of Understanding”.

Jay Franson thanked staff for the work they do for the Board and the state.

#### ITEM 18 – ADJOURN

Chairman Erickson stated a motion to adjourn the Board meeting was in order.

**Paul Hansen moved to adjourn the Drinking Water Board meeting at 2:25 p.m.**

**Jay Franson seconded.**

**CARRIED  
(Unanimous)**

Linda Matulich  
Recording Secretary